MEMORIAL ADDRESS

ON THE

LIFE AND CHARACTER

OF

JUDGE JETER CONLEY PRITCHARD

FIRST BAPTIST CHURCH, ASHEVILLE, N. C.,

TUESDAY, APRIL 12, 1921

BY JAMES J. BRITT

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The death of the loved and loving friend so lately fallen on sleep is to me a loss so keenly personal that I should not trust my emotions, were it not that I speak at the command of his own lips, now forever closed in death.

We are sometimes overwhelmed by the mysterious operations of the laws of our own being. We stand like dumb beasts and unknowing children. We can not fathm of the mystery why there are so many different orders of men. Thinking bases, we can not comprehend why some men are so far above others in the scale of being. Children of the same

P23135

Father, nourished by the same earth-mother, living under the same kindly heavens, our statures ought not to be so unequal Yet, like the myriad stars, we differ one from another. Some come and go and leave no trace of their hurried stay Others among us, a unit stronger and a trifle wiser, linger for a while, only to go and be forgotten, too. But some there are that move so powerfully among their fellows, that play so large a part in the affairs of the world, that, though dead, they yet abide through the generations. Such was it destined to be of him of whom I speak today.

Jeter Conley Pritchard was strikingly typical of the finest possibilities of American institutions. He was a flower of that free government that has made it possible for so many men, though born in huts of lowliness, to live in palaces and reign in seats of power. It was under these favors of divine Providence that there went from the tailor's bench the Johnsons, from the tow-path, the Garfields, and from the woodsman's forest, the Lincolns to the Presidential chair, there to occupy the highest seat of power yet vouchsafed to man on earth. It is these beneficent institutions that have put hope into the souls of so many striving American boys; that have rendered it possible for so many of the humble of

today to be the exalted of tomorrow; that have taken the tatters of poverty and the emblems of ignorance from millions of the sons and daughters of America and placed them upon the highway of greatness; that have lifted them above the chilly surroundings of ill fortune; that have put a new song in their mouths, inspired new hope in their souls, and ultimately brought them to a full realization of the highest achievements of which our civilization is possible. Few men in American life have better illustrated these glorious possibilities than he who lies in dreamless sleep before us today.

Jeter Conley Pritchard was born at Jonesboro, Tennessee, on the 12th day of July, 1857, and died at Asheville, North Carolina, on the 10th day of April, 1921, being sixty-three years, nine months, and twenty-eight days old. Under the unfortunate conditions immediately following the war, his opportunity for education was so scant that, despite the most heroic determination and untiring efforts, he was unable to get more than a few months' schooling in the public schools of East Tennessee, schools not then of a very high grade, nor calculated to inspire in youth those lofty ambitions which afterwards fired the soul of this aspiring boy. The death of his father, a gallant Confederate soldier, left him not only to care for himself, but to be the

chief support of his brothers and sisters and helpless mother. It is here that we find the dawning of those high qualities of manhood which afterwards so distinguished Jeter Conley Pritchard in all his public and private relations, namely, loyalty and devotion to those who had a right to claim his love, protection, and support. Never once did he fail in devotion to his mother. She was the object of his tender care every day of her life. There was nothing that could come between him and his concern for her welfare. It has been thus with alll the great men of earth. All history is replete with the fact that love of father and mother, of wife and children, is inseparable from human greatness. The gods have permiteed no man who has forgotten the parents of his being, or the family of his bosom, to attain greatness among men. To forget these is to fix an impassable gulf between human aspiration and human attainment.

The time alloted by this occasion does not permit further details as to the early boyhood of Judge Pritchard. It is sufficient to say that his early life-story, like that of thousands of other American boys is told in the "simple annals of the poor." But it was the poverty of honor, of manliness, of independence, of bold strife, and determination to lift himself above his surroundings and see the day

when he could look back with a smile upon the years of self-denial, of privation, and of poverty and want, and such a day, in God's goodness, he was permitted to see.

There is a treble relation in which I would speak of our departed friend. He was one of the few men of our time, or of any time, who could be pre-eminently great in the three-fold relation of public servant, Christian gentleman, and patriotic citizen. In all the crowded days of his life, he never once lost the poise of this finely balanced proportion. Not a few of our great men, on assuming the chair of state, or the seat of justice, have forgotten the ties of the Christian and the duties of the patriot, submerging everything in one central calling. But not so with him. Whether in the legislature of the State, in the Senate of the United States, on the District Court bench, or on the bench of the Circuit Court of Appeals, he never once suffered a lapse of his dominant idea that the public service, Christian citizenship, and patriotic duty were an inseparable trio, and that remissness in one was unfaithfulness to the others, and he maintained that sacred balance of these fundamental essentials in public men to his very last days on earth. Only five days before his death, though racked with suffering, he was still mindful of his duty as a

citizen, and directed that his absentee ballot be cast for improved public school facilities in the city of Asheville, the cause of education being near his heart, a cause to which he never failed to rally with enthusiasm.

He was elected as a Representative in the lower house of the General Assembly of North Carolina from Madison County in the years 1884, 1886, and 1890, and served with the highest credit to himself, to his constituents, and to the whole State. It was here that he first gave earnest of those fine talents that so distinguished him in after life, and of that earnest devotion to duty from which he never once departed while in the public service.

Although one of a very small party minority in the General Assembly, he made himself heard and felt on the leading questions of the day, such as honest elections, improved public schools, public roads, the equalization of taxation, the care of ex-Confederate soldiers, appropriations for the State University, and other State institutions, taking high ground on all the great questions of thirty years ago, and so impressing himself upon his own party that he became its unanimous choice for United States Senator from North Carolina. Although defeated, as his party at that time had but a few votes, yet his record in the Leg-

islature, and particularly the high ground he took on great questions affecting the life of the State, paved the way for his election a few years later when a combination of his party and the Populist party in the State was effected.

He had prior to this time been admitted to the bar of the State, and was laying the foundations of that large practice, and taking practical lessons in that broad course of legal training, which so eminently fitted him in after years for the high judicial stations which he was called to fill. In the old *nisi prius* days, when the lawyers of the State, much more than now, went away from home and traveled over the circuit with the judges, he was everywhere a favorite, particularly in the counties of Western North Carolina. In those early days, he showed those splendid and determined fighting qualities which brought him success in almost every undertaking of his life.

In 1892, he was the nominee of his party for Congress from the Ninth District, now the Tenth, against the late William Tecumseh Crawford, by whom he was defeated by a small majority, their joint canvass of the District attracting keen attention throughout the State and bringing both of the champions highly deserved popularity. In 1894, he was elected by the General Assembly of

North Carolina to the United States Senate to fill the unexpired term caused by thedeath of Zebulon Baird Vance. He was again re-elected in 1897, serving the full term expiring March 4, 1903.

Although suddenly called to this responsible trust, and naturally inexperienced in national legislation, he, nevertheless, immediately took high rank as a Senator, receiving prominent committee assignments, speaking frequently, and advocating those liberal and beneficent policies, both domestic and foreign, which gave to the administration of William McKinley so important a place in American history and in the history of the world, particularly in the settlement of those vast and complicated questions growing out of the Spanish-American war, resulting in the banishment of the saffron flag of Spain from the Western hemisphere, the establishment of the Republic of Cuba, and the acquisition by the United States of a vast empire on the other side of the earth, the Philippine Islands, bringing ten millions of strange people under the ægis of our flag and making them wards of the nation.

I have recently had occasion to look into some of the votes on those great questions cast by Senator Pritchard during those mighty days, and it is gratifying to know that upon every question he took the lofty ground chosen by William Mc-

Kinley, and it is but justice to President McKinley and Senator Pritchard, and highly to the credit of both, to say that it was under the guidance of the noble McKinley, that Senator Pritchard took such safe and high ground on the great domestic and international questions of the day. It was impossible to sit at the feet of William McKinley and not take lofty moral ground on any public question. His fine presence, his innate goodness, his kindly intonations, his ingratiating manner—all these conspired to move in others the highest possible determination to rise to the duty of every occasion, and it was under this fine tutelage that Senator Pritchard received his first lessons in statecraft, and from them was moved to such eloquence of speech, such lofty devotion to duty; and to vote so soundly on matters of policy affecting our own country, Cuba, the Philippine Islands, and our other newly acquired possessions.

A distinguished American once said that he had journeyed all the way to London to see the illustrious William Ewart Gladstone in his prime; that he met him; heard him speak on the floor of Parliament; beheld him as Prime Minister; went to his church, and heard him teach the Bible and preach a lay sermon; was a guest in his home, and saw the dignity, gentleness and sweetness with

which he presided as the master of that earthly sanctuary, and, upon his return to America, this distinguished American felt a new and moving inspiration to noble endeavor which never afterward deserted him, and he declared that he owed some of his best accomplishments of his life to this single inspiration. Such was the influence of Gladstone over men, and such was the influence of William McKinley over Senator Pritchard. He was a masterful leader of men, and no aspiring American could escape the magnetic influence of his personal touch.

Time forbids my speaking more in detail of Judge Pritchard's career as a Senator in Congress. It is a record of which the whole country, and North Carolina in particular, may well be proud. Not a vote was cast, not a speech was made, not a policy was advocated, that did not contemplate the very best interests of our beloved country.

In 1903, President Roosevelt appointed him Judge of the Supreme Court of the District of Columbia, where, under assignment to the Criminal court division, he bore a conspicuous part in the adminstration of justice in that high court, winning a national reputation for his finely discriminating and well-balanced judgments, his clemency where mercy was deserved, and the severity

with which he punished those who had knowingly and wilfully violated the laws of the country. So brilliant was his record on the bench of the District Court that he won the plaudits of both bench and bar, as well as the high commendation of President Roosevelt.

In 1904, he was promoted by President Roosevelt to United States Circuit Judge for the Fourth Circuit, where he added new laurels to his fame as a judge, trying every possible variety of cases, civil and criminal, that came within the jurisdiction of the Circuit Court, and sitting on the bench of the Circuit Court of Appeals in the trial of cases on review, as was then provided by law, his opinions taking high rank for their legal soundness and the finely discriminating balance with which he held the scales of justice.

On the first day of January, 1912, when the United States Circuit Court ceased by law to exist, he became the Presiding Circuit Judge of the United States Circuit Court of Appeals for the Fourth Circuit, a position which he held with the very highest distinction, and to which he gave the most painstaking labor and patient industry, writing many of the opinions of the Court, all of which are characterized by fine practical sense, a sound knowledge of the law, exhaustive inquiry, and a deep regard for all the

rights of the parties in interest.

For several years, I have read, with increasing interest, his opinions on questions relating to employers and employees, or capital and labor. Of all the judges who have sat in this high Court, and they have been numerous and able, I do not think any have excelled him in the just and equitable balance he has always struck between these seemingly conflicting interests. In him the employer and the capitalist had a friend, but only so far as they used their power and their capital within the law and enlightened conscience. So far, they were perfectly safe, but beyond this they dared not venture. On the side of labor he never once lost that human touch, that sympathetic co-operation, born of his own struggles as a hired boy, as a journeyman printer, and as one of the toiling masses of men. Yet his sympathy for the laborer, or for organized labor, never once led him to override the just rights of capital or the true interests of the employer. It is here, I think that Judge Pritchard's fame as a jurist will chiefly rest in the years to come. A careful reading of his opinions will not fail to rivet upon any lawyer or layman the conviction that here was a man endowed with the ability to determine justice between man and man, between the commonwealth and citizen, and one who knew and dared

alike the rights of all parties to the controversy.

So eminently fair was he, so thoroughly sympathetic with the progressive movements of the day, particularly those in relation to capital and labor, that he was often called upon to prosecute inquiries and make findings in important matters of public controversy, the most notable of which was the arbitration of the controversy between the Western railroad companies and their employees, where he sat as presiding arbitrator at Chicago five years ago, and was largely instrumental, through his sound knowledge of economics, his fine understanding of the human questions involved, as well as the law of the case, in settling the dispute to the satisfaction of both parties, and in the reconciliation of the strained and divergent relations between employers and employees.

Let me now speak a word about the great humanitarian side of Judge Pritchard's nature. In all my acquaintance with men, I have known none who had a larger heart, more generous impulses, or who took a keener interest in the well-being of others. This was particularly true of him in all conditions of distress of unfortunate men and women. His heart was ever responsive to the appeal for charity, to the craving for education, and to the appeal for aid to

hospitals and other institutions for those upon whom fortune had frowned. All the State is familiar with his efforts in behalf of the colored race. His idea of the best interests of the colored man was that he should eschew politics; should attend to his domestic affairs; should devote his energies and talents to the building of churches, schools and homes; that he should become better informed that he might be more useful to the community and to himself. Again and again did he go North to solicit aid for the colored schools of the State, never charging anything for his services, usually bringing home large assistance to those needy institutions, greatly to the benefit of the colored youth of the State, his one hope being that they might be better fitted for citizenship and for earning a livelihood, and that they might learn obedience to law and order.

Never did he rise to nobler heights than in his great activities in behalf of the late War. His sons were at the front; the sons of his neighbors and friends were there; and his own great, yearning heart was there. He left his home, at a time when he was physically weak and made a canvass of the State of Texas in the interest of Liberty Bond subscriptions, a task that taxed his strength to the utmost, and I fear had much to do with the illness which

brought him to his untimely end.

His interest in the cause of education never flagged. No preoccupation or press of work, except official duty, could prevent his giving aid to the cause, and particularly to the public and primary schools where the larger interests of his heart lay. I have known him to travel for miles to address an obscure, backwood school, paying his own expenses, with no hope of reward but the consciousness that he had done something to aid some boy in the struggle for education, the need of which had vexed his own boyhood life, and prevented him from making that early start so necessary for the success of one's career, whatever his calling may be. He was the warm and enthusiastic friend of all schools, teachers, and institutions of learning.

It was in the interest of the poor, the oppressed, and the submerged that his heart swelled the largest. I have known him to give his last dollar for the benefit of persons whose names will never be known, a service that could bring him no return, save a satisfied longing to answer some Macedonian cry.

At one of my calls a few weeks before his death, his first inquiry was about two poor old fellows, both of them down and out, who are to-day living on charity in the city of Asheville, and he anxiously wanted to know how they were being

cared for. I told him about one of them, but as to the other I had no knowledge of his situation, whereupon he had me promise that I would, for him, give aid to the poor old friendless men, who in this world had no one to love them, and, save such as Judge Pritchard, none to care for them. I could multiply these instances by the score. Surely, if ever reward was laid up for the giver who let not his left hand know what his right hand did, that reward is reserved for the cherished one who lies before us to-day.

His nature was tender, gentle, sympathetic, and affectionate. His heart bled for the sufferings of others. How often have I heard him say, "Oh, if I had the money, that should be different, and different now."

If every one for whom he did a kindness should bring here a flower, the very walls of this sanctuary would overflow with the blossoms of spring; if everyone for whom his heart bled should shed here a tear, an overflowing fountain would submerge this presence; if all his prayers for the betterment of men should be gathered together, the air would resound with one continuing chorus of supplication.

But our friend is gone, gone from us, gone before us. Since death to all must come, and to all an end is fixed, let us not mourn too much that a fellow-pilgrim is called, but let us rather strive to fill the

broken ranks and do the work he did. Judge Pritchard was preeminently a human man. And it was his work with human things that made him so intensely human. He knew what it was to till the soil; to want the things men need; to toil at the printer's desk; to study law alone; to supplement his education by unaided study; to battle against fearful odds, sometimes with indifferent success; thus he was hardened in the realities of life, and yet he was mellow, and his soul remained unembittered.

As for the future life, we know not fully what it is, but that it is, we know, and that it will be ample, we doubt not. Four hundred years before Christ, Socrates, the Greek, a pagan philosopher, in making his defense before the Athenean dicastery, on trail for his life, and realizing the hopelessness of his cause, gave utterance to this obscure prophecy, to the Christian, utterly comfortless, to him, the only comfort: "After all," said he, "if, as some men say, death is only an eternal sleep, then how glorious it will be to be free from the distractions of men and things; from the elements and beasts, from taunts and worries; from disease and death; but if there is a world different from this, in which men may be happy according to their deeds in the flesh, then how infinitely better than this, for there we know we

shall meet with the scholars, the philosophers, the saints, and even the gods, who have promised us good things, the things which only in the spirit we may know."

Eleven hundred years before, Job, the man of Uz, the son of affliction, a patient and suffering Jew, had cried out in his anguish, "If a man die, shall he live again?" Fifteen hundred years after Job's exclamation of doubt, and four hundred years after Socrates' obscure vision, the Man of Galilee came, and went, and rose from the dead, and ascended into heaven, since when,through him, there is no doubt of the immortality of the soul, no haunting fears as to the possible happy end of man.

Despairing Villon once exclaimed, "Where, oh, where are the snows of yesteryear? Gone, gone forever, and mingled with the past." But the snows of yesteryear are not gone; they live in the rain, in the fogs, in the dews, in the water of stream and ocean, in plant and shrub, in flower, and tree. They are the sources of new growth and life. And, in like manner, the deeds of good men, though they take other forms, are not gone forever; they abide somewhere, aye, they still abide where men may feel and know their blessed influence. So the works of our departed friend will not perish with him; they abide with us.

When the sun goes down beyond the hills, we say it is setting, but it does not disappear. There follow it great streams of light, coruscations of glory, and long, long after the great luminary is lost to view, it throws back its effulgent streams to light the pilgrim's way; and so it is with the influence which our friend has set in motion.

To those who mourn, let there rise in their hearts a wellspring of hope; to those who long for a face not again to be seen, let their souls cease to yearn; to those who long for a voice no more to be heard, let their hearts be still. Let all who reach for a vanished hand take comfort. They who are separated shall meet again. Our friend is not dead; he is only away. In another and nobler existence he is established. For him, the day is done, but it is written that "Joy cometh in the morning." But

"There is no night; the stars go down
To rise upon some far-off shore,
And bright in heaven's jeweled crown
They shine forevermore."

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